

IC 25-30

**ARTICLE 30. PRIVATE INVESTIGATOR FIRMS,
SECURITY GUARDS, AND POLYGRAPH EXAMINERS**

IC 25-30-1

Chapter 1. Private Investigator Firm Licensing

IC 25-30-1-1

Short title

Sec. 1. This chapter may be cited as the "Private Investigator Firm License Law".

(Formerly: Acts 1961, c.163, s.1.) As amended by Acts 1982, P.L.154, SEC.87; P.L.185-2007, SEC.8.

IC 25-30-1-1.2

Repealed

(Repealed by P.L.185-2007, SEC.28.)

IC 25-30-1-2

Definitions

Sec. 2. As used in this chapter:

- (1) "Person" means an individual, a firm, a company, an association, an organization, a partnership, or a corporation.
- (2) "Licensee" means a person licensed under this chapter.
- (3) "Private investigator firm" means the business of:
 - (A) making, for hire or reward, investigation or investigations for the purpose of obtaining information with reference to:
 - (i) a crime against the state or wrongs done or threatened;
 - (ii) the habits, conduct, movements, whereabouts, association, transactions, reputation, or character of a person;
 - (iii) credibility of witnesses or other persons;
 - (iv) the location or recovery of lost, abandoned, unclaimed, or stolen property;
 - (v) the causes, origin, or responsibility for fires or accidents or injuries to real or personal property; or
 - (vi) the truth or falsity of a statement or representation;
 - (B) securing, for hire or reward, evidence to be used for authorized investigation committees or boards of award or arbitration or in the trial of civil or criminal cases; or
 - (C) providing, for hire or reward, undercover investigators to detect and prevent fraud and theft in the workplace or elsewhere.
- (4) "Board" refers to the private investigator and security guard licensing board established under section 5.2 of this chapter.
- (5) "Licensing agency" refers to the Indiana professional licensing agency established under IC 25-1-5-3.
- (6) "Business entity" means a firm, a company, an association,

an organization, a partnership, or a corporation.
(Formerly: Acts 1961, c.163, s.2; Acts 1965, c.162, s.1; Acts 1967, c.171, s.1.) As amended by Acts 1982, P.L.154, SEC.88; P.L.261-1987, SEC.1; P.L.234-1989, SEC.5; P.L.214-1993, SEC.66; P.L.236-1995, SEC.46; P.L.1-2006, SEC.474; P.L.185-2007, SEC.9; P.L.3-2008, SEC.196.

IC 25-30-1-3

Necessity of license

Sec. 3. It shall be unlawful for a person to:

- (1) engage in business as a private investigator firm;
- (2) solicit or advertise for business as a private investigator firm; or
- (3) represent or hold the person out as a private investigator firm;

unless the person is licensed as a private investigator firm under this chapter and complies with this chapter and rules adopted under this chapter.

(Formerly: Acts 1961, c.163, s.3.) As amended by Acts 1982, P.L.154, SEC.89; P.L.234-1989, SEC.6; P.L.185-2007, SEC.10.

IC 25-30-1-4

Repealed

(Repealed by P.L.214-1993, SEC.91.)

IC 25-30-1-5

Exceptions to licensing requirements

Sec. 5. This chapter does not require any of the following persons to be a licensee:

- (1) A law enforcement officer of the United States, a state, or a political subdivision of a state to the extent that the officer or employee is engaged in the performance of the officer's or employee's official duties.
- (2) Any person to the extent that the person is engaged in the business of furnishing and obtaining information concerning the financial rating of other persons.
- (3) A collection agency licensed by the secretary of state or its employee acting within the scope of the employee's employment, to the extent that the person is making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's assets in a property that the client has an interest in or a lien upon.
- (4) An attorney or employee of an attorney to the extent that the person is engaged in investigative matters incident to the delivery of professional services that constitute the practice of law.
- (5) An insurance adjuster to the extent that the adjuster is employed in the investigation and settlement of claims made against insurance companies or persons insured by insurance companies if the adjuster is a regular employee of the insurance

company and the insurance company is authorized to do business in Indiana and is complying with the laws regulating insurance companies in Indiana.

(6) A person primarily engaged in the business of furnishing information for:

(A) business decisions and transactions in connection with credit, employment, or marketing; or

(B) insurance underwriting purposes;

including a consumer reporting agency as defined by the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

(7) A retail merchant or an employee of the retail merchant to the extent that the person is hiring a private investigator for the purposes of loss prevention investigations for the retail merchant's retail establishment.

(8) A professional engineer registered under IC 25-31 or a person acting under a registered professional engineer's supervision, to the extent the professional engineer is engaged in an investigation incident to the practice of engineering.

(9) An architect with a certificate of registration under IC 25-4, to the extent the architect is engaged in an investigation incident to the practice of architecture.

(10) A land surveyor with a certificate of registration under IC 25-21.5, to the extent the land surveyor is engaged in an investigation incident to the practice of land surveying.

(11) A certified public accountant with a certificate under IC 25-2.1-3, to the extent that the person is engaged in an investigation incident to the practice of accountancy.

(12) An independent consultant employed by the attorney general under IC 32-34-1-48, to the extent that the independent consultant is engaged in providing services for the attorney general.

(Formerly: Acts 1961, c.163, s.5.) As amended by Acts 1982, P.L.154, SEC.91; P.L.261-1987, SEC.2; P.L.234-1989, SEC.7; P.L.245-1995, SEC.1; P.L.42-1999, SEC.1; P.L.185-2007, SEC.11.

IC 25-30-1-5.1

Repealed

(Repealed by P.L.185-2007, SEC.28.)

IC 25-30-1-5.2

Private investigator and security guard licensing board; establishment; members; terms; salaries

Sec. 5.2. (a) The private investigator and security guard licensing board is established.

(b) The board consists of:

(1) the superintendent of the state police department or the superintendent's designee; and

(2) the following six (6) members appointed by the governor from different geographic regions of Indiana as determined by the governor:

(A) Two (2) individuals who are associated with a private investigator firm licensed under this article.

(B) Two (2) individuals who are associated with a security guard agency licensed under this article.

(C) One (1) local law enforcement official.

(D) One (1) person who is not associated with the private investigator firm or security guard agency other than as a consumer.

(c) Each member of the board appointed by the governor shall serve a term of two (2) years.

(d) The governor may remove a board member appointed by the governor for incompetency or failure to perform the member's duties under this chapter.

(e) A vacancy in the membership of the board shall be filled by appointment by the governor for the unexpired term.

(f) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.185-2007, SEC.12.

IC 25-30-1-5.3

Election of president and vice president

Sec. 5.3. The board shall, at its first meeting of each year, elect a president and a vice president from among its membership by a majority vote of all the members of the board.

As added by P.L.234-1989, SEC.9. Amended by P.L.214-1993, SEC.68.

IC 25-30-1-5.5

Rules

Sec. 5.5. (a) The board shall adopt rules under IC 4-22-2 to implement this chapter.

(b) The board may not adopt rules concerning qualifications for licensure that are so restrictive that a person may not be licensed under this chapter.

As added by P.L.234-1989, SEC.10.

IC 25-30-1-6

Powers and duties of licensing agency

Sec. 6. The licensing agency shall assist the board by performing administrative functions under this chapter.

(Formerly: Acts 1961, c.163, s.6.) As amended by Acts 1982, P.L.154, SEC.92; P.L.234-1989, SEC.11.

IC 25-30-1-6.5

Meeting; quorum

Sec. 6.5. (a) The board shall meet upon the call of the board president.

(b) Four (4) members of the board constitute a quorum.

As added by P.L.185-2007, SEC.13.

IC 25-30-1-7

Application for license

Sec. 7. (a) An application for licensure as a private investigator firm must be on a form prescribed by the board accompanied by the license fee established by the board under IC 25-1-8.

(b) The application for licensure as a private investigator firm shall include the following:

(1) The full name and business address, including street address, of the applicant.

(2) The name under which the applicant intends to do business as a private investigator firm.

(3) The full name and residential address of each of the private investigator firm's members, partners, officers, directors, and managers.

(4) The proof of insurance required by section 15 of this chapter.

(5) Other information, evidence, statements, or documents required by the board.

(Formerly: Acts 1961, c.163, s.7.) As amended by Acts 1982, P.L.154, SEC.93; P.L.234-1989, SEC.12; P.L.194-2005, SEC.74; P.L.185-2007, SEC.14.

IC 25-30-1-8

Qualifications for license; grounds for denial

Sec. 8. (a) The board may not issue a private investigator firm license to an individual unless the individual:

(1) is at least twenty-one (21) years of age; and

(2) demonstrates the necessary knowledge and skills, as determined by the board, to conduct a private investigator firm competently.

(b) The board may not issue a private investigator firm license to a business entity unless:

(1) one (1) officer, in the case of a corporation; or

(2) one (1) partner, in the case of a partnership;

meets the personal qualifications as set out in subsection (a), unless otherwise provided.

(c) The board may deny a license unless the applicant makes a showing satisfactory to the board that the applicant or, if the applicant is a business entity, the officer or partner referred to in subsection (b):

(1) has not committed an act which, if committed by a licensee, would be grounds for the suspension or revocation of a license under this chapter;

(2) has not been convicted of a:

(A) felony; or

- (B) misdemeanor that has a direct bearing upon the applicant's ability to practice competently;
- (3) has not been refused a license under this chapter or had a license revoked;
- (4) has not, while unlicensed, committed or aided and abetted in the commission of an act for which a license is required by this chapter;
- (5) is not on probation or parole; and
- (6) is not being sought under an active warrant against the applicant, officer, or partner.

(Formerly: Acts 1961, c.163, s.8.) As amended by Acts 1978, P.L.2, SEC.2549; P.L.261-1987, SEC.3; P.L.234-1989, SEC.13; P.L.214-1993, SEC.69; P.L.185-2007, SEC.15; P.L.3-2008, SEC.197.

IC 25-30-1-8.5

Change in ownership; termination of license

Sec. 8.5. If a change in the ownership of a private investigator firm results in the failure to meet the qualifications set forth in section 8 of this chapter:

- (1) the license of the private investigator firm terminates on the date the change in ownership is effective; and
- (2) the private investigator firm must file a new application for a license as a private investigator firm with the board.

As added by P.L.185-2007, SEC.16.

IC 25-30-1-9

Continuation of business after death of licensee

Sec. 9. (a) Upon the death of an individual licensed under this chapter, the private investigator firm with which the decedent was connected may be carried on for a period of ninety (90) days after the individual's death by the following:

- (1) In the case of an individual licensee the surviving spouse, or if there is no surviving spouse, the executor or administrator of the estate of the decedent.
- (2) In the case of a partner, the surviving partners.
- (3) In the case of an officer of a business entity, the other officers of the business entity.

(b) Upon the authorization of the board, the private investigator firm may be carried on for a further period of time when necessary to complete an investigation or assist in litigation pending at the death of the decedent.

(c) Nothing in this section authorizes the solicitation or acceptance of business after the death of the decedent except as provided by this chapter.

(d) Nothing in this section shall be construed to restrict the sale of a private investigator firm if the vendee qualifies for a license under this chapter.

(Formerly: Acts 1961, c.163, s.9.) As amended by Acts 1982, P.L.154, SEC.94; P.L.234-1989, SEC.14; P.L.185-2007, SEC.17.

IC 25-30-1-10

Form of license; pocket card; change of information; assignment of license

Sec. 10. (a) A license, when issued, shall be in a form determined by the board and shall include the following:

- (1) The full name of the licensee.
- (2) The number and expiration date of the license.

(b) Upon the issuance of a private investigator firm license, a pocket card shall be issued without charge to the licensee. When a license is revoked, the pocket card shall be surrendered and, not later than five (5) days after revocation, shall be mailed or delivered by the licensee to the board for cancellation.

(c) A licensed private investigator firm shall, not later than thirty (30) days after a change, notify the board of any changes to the:

- (1) licensee's address;
- (2) name under which the licensee does business; and
- (3) licensee's officers, directors, members, or partners.

(d) A license issued under this chapter is not assignable and is personal to the licensee.

(e) A licensee shall present, upon the request of a client, a pocket card license that indicates the:

- (1) license is active; and
- (2) licensee is in good standing.

(Formerly: Acts 1961, c.163, s.10.) As amended by Acts 1982, P.L.154, SEC.95; P.L.234-1989, SEC.15; P.L.214-1993, SEC.70; P.L.236-1995, SEC.47; P.L.185-2007, SEC.18.

IC 25-30-1-11

Employees of licensee

Sec. 11. (a) A licensee may employ, to assist the licensee in the licensee's business as a private investigator firm, as many unlicensed persons as may be necessary. The licensee is civilly responsible for the good conduct of all employees while the unlicensed persons are acting on behalf of the licensee.

(b) A licensee shall maintain a record, relative to the licensee's employees, containing the following information:

- (1) A picture taken within thirty (30) days of the date that the employee commences employment with the licensee.
- (2) A full set of fingerprints of both hands of the employee.

(c) A licensed private investigator firm shall, at the board's request, provide the board with a roster of all unlicensed individuals employed by the private investigator firm.

(Formerly: Acts 1961, c.163, s.11.) As amended by Acts 1978, P.L.2, SEC.2550; P.L.234-1989, SEC.16; P.L.214-1993, SEC.71; P.L.236-1995, SEC.48; P.L.185-2007, SEC.19.

IC 25-30-1-12

Repealed

(Repealed by P.L.35-1984, SEC.10.)

IC 25-30-1-13

Advertisements

Sec. 13. An advertisement by a licensee soliciting or advertising for business must contain the name and address of the licensee as they appear in the records of the board.

(Formerly: Acts 1961, c.163, s.13.) As amended by P.L.234-1989, SEC.17.

IC 25-30-1-14

Nonresidents

Sec. 14. It shall be unlawful for a person licensed by any other state to do business in Indiana unless the person is licensed and authorized to do business in Indiana. A person may not do business in Indiana until the person is licensed with the board and meets the requirements for licensees of this state. In addition, an out-of-state person must prove to the board that the person is in good standing in the state the person was issued a license.

(Formerly: Acts 1961, c.163, s.14.) As amended by P.L.234-1989, SEC.18; P.L.214-1993, SEC.72; P.L.185-2007, SEC.20.

IC 25-30-1-15

Insurance

Sec. 15. (a) An applicant for a private investigator firm license shall submit to the board a certificate of insurance or other evidence of financial responsibility that:

- (1) is approved by the board; and
- (2) meets the following requirements:
 - (A) Is issued by an insurance company or other legal entity authorized to transact business in Indiana.
 - (B) Provides for general liability coverage of at least one hundred thousand dollars (\$100,000).
 - (C) Lists the state as an additional insured.
 - (D) States that cancellation and nonrenewal of the underlying policy or other evidence of financial responsibility is not effective until the board receives written notice at least ten (10) days before the cancellation or nonrenewal of the policy.
 - (E) Contains any other terms and conditions established by the board.
- (b) The insurance referred to in subsection (a):
 - (1) must cover damages that the insured becomes legally obligated to pay for bodily injury or property damage proximately caused to a person by the insured in conducting business as a private investigator firm;
 - (2) must include coverage for:
 - (A) false arrest, detention, or imprisonment;
 - (B) malicious prosecution; and
 - (C) wrongful entry or eviction, or other invasion of the right of private occupancy; and
 - (3) may not exclude coverage for an intentional act taken by or

at the direction of the insured that results in bodily injury, if such injury arises solely from the use of reasonable force for the purpose of protecting persons or property.

(c) If a licensee fails to comply with the insurance requirements of this section, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for reinstatement of the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance.

(d) The board may deny an application for the reinstatement of a license suspended under this section, notwithstanding the applicant's compliance with the insurance requirements of this section for any of the following:

(1) Any reason that would justify a refusal to issue, a suspension, or a revocation of a license.

(2) The performance by the applicant, while the applicant's license was suspended under this section, of any practice for which a license under this chapter is required.

(Formerly: Acts 1961, c.163, s.15.) As amended by Acts 1982, P.L.154, SEC.97; P.L.261-1987, SEC.4; P.L.157-1988, SEC.1; P.L.234-1989, SEC.19; P.L.214-1993, SEC.73; P.L.185-2007, SEC.21.

IC 25-30-1-16

Expiration; reinstatement

Sec. 16. (a) Unless a license is renewed, a license issued under this chapter expires on a date specified by the licensing agency under IC 25-1-6-4 and expires every four (4) years after the initial expiration date. An applicant for renewal shall pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

(b) If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without any action taken by the board.

(c) If a license has been expired for not more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements under IC 25-1-8-6(c).

(d) If a license has been expired for more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(d).

(Formerly: Acts 1961, c.163, s.16.) As amended by Acts 1982, P.L.154, SEC.98; P.L.234-1989, SEC.20; P.L.214-1993, SEC.74; P.L.194-2005, SEC.75; P.L.157-2006, SEC.68; P.L.185-2007, SEC.22; P.L.105-2008, SEC.57.

IC 25-30-1-17

Fees

Sec. 17. (a) The board shall charge and the licensing agency shall collect the fees established by the board under IC 25-1-8.

(b) All fees collected under this chapter shall go into the general

fund and shall be accounted for by the licensing agency.

(c) All fees collected under this chapter are nontransferable and nonrefundable.

(Formerly: Acts 1961, c.163, s.17.) As amended by Acts 1982, P.L.154, SEC.99; P.L.5-1988, SEC.137; P.L.234-1989, SEC.21; P.L.214-1993, SEC.75; P.L.194-2005, SEC.76; P.L.185-2007, SEC.23.

IC 25-30-1-18

Administrative proceedings; violation of professional standards; sanctions against licensees

Sec. 18. (a) The proceedings under this chapter shall be conducted in accordance with IC 4-21.5. In conducting proceedings under this chapter, the board has all powers granted under IC 4-21.5.

(b) The board may impose sanctions against a licensee under IC 25-1-11 if the board determines that the licensee has done any of the following:

- (1) Forcibly and without the consent of the person in lawful possession, entered a building or portion of a building.
- (2) Impersonated, permitted an employee to impersonate, or aided and abetted an employee in impersonating:
 - (A) a law enforcement officer;
 - (B) an employee of the United States government;
 - (C) an employee of the state; or
 - (D) an employee of a political subdivision of the state.
- (3) During the period between the expiration of a license for failure to renew within the time fixed by this chapter and the reinstatement of the license, committed or permitted an employee to commit an act that would be cause for suspension or revocation of a license or grounds for the denial of the application for a license.
- (4) Committed an act that is grounds for a denial of an application for a license under this chapter.

(Formerly: Acts 1961, c.163, s.18.) As amended by Acts 1978, P.L.2, SEC.2551; P.L.7-1987, SEC.127; P.L.234-1989, SEC.22; P.L.214-1993, SEC.76; P.L.3-2008, SEC.198.

IC 25-30-1-19

Carrying weapons

Sec. 19. Nothing in this chapter shall be construed to authorize any licensee to carry any weapon.

(Formerly: Acts 1961, c.163, s.19.) As amended by P.L.3-1989, SEC.147.

IC 25-30-1-19.5

Action to collect fees; burden of proving licensure or exemption

Sec. 19.5. A person that files a civil action to collect fees for performing acts regulated by this chapter must allege and prove that when the action arose the person was not in violation of section 22 of this chapter.

As added by P.L.214-1993, SEC.77. Amended by P.L.185-2007, SEC.24.

IC 25-30-1-20

Prosecuting attorneys; reporting violations

Sec. 20. It shall be the duty of a prosecuting attorney to whom the board reports a violation of this chapter to cause proceedings to be commenced against a person violating this chapter and to prosecute the person to final termination.

(Formerly: Acts 1961, c.163, s.20.) As amended by P.L.234-1989, SEC.23.

IC 25-30-1-21

Violations; fines; separate offenses; complaints

Sec. 21. (a) A person who violates this chapter commits a Class A misdemeanor.

(b) A person violates this chapter if the person is not exempt under section 5 of this chapter, does not have a private investigator firm license, and knowingly or intentionally:

- (1) engages in the private investigator firm business;
- (2) solicits or advertises for business as a private investigator firm; or
- (3) in any way represents to be a private investigator firm.

(c) In addition to any other fine imposed on the person, the court shall fine the person convicted of an offense under subsection (b) the amount of compensation earned by the person in the commission of the offense. Notwithstanding IC 35-50-3-2, the total fine imposed under this section may exceed ten thousand dollars (\$10,000) if necessary to comply with this subsection.

(d) Each transaction under subsection (b) constitutes a separate offense.

(e) A complaint for a violation of this chapter or for an injunction under section 22 of this chapter is sufficient if the complaint alleges that a person on a specific day in a specific county:

- (1) engages in business as a private investigator firm;
- (2) solicited or advertised for business as a private investigator firm; or
- (3) represented to be a private investigator firm;

without a private investigator firm license.

(f) A person who knowingly or intentionally fails or refuses to surrender a private investigator firm license issued under this chapter when the license is revoked by the board commits a Class A misdemeanor.

(Formerly: Acts 1961, c.163, s.21.) As amended by Acts 1978, P.L.2, SEC.2552; P.L.214-1993, SEC.78; P.L.1-1998, SEC.134; P.L.185-2007, SEC.25.

IC 25-30-1-22

Activities by unlicensed persons; show cause notice; cease and desist order

Sec. 22. (a) If the board determines that a person that is not licensed or exempt under this chapter is engaged in activities that require a license, the board may send a notice of hearing requiring the person to show cause why the challenged activities are not a violation of this chapter. The notice must be in writing and include the following information:

(1) The date, time, and place of the hearing.

(2) The alleged violation.

(3) That the affected person or the person's representative may present evidence concerning the alleged violation.

(b) A hearing conducted under this section must comply with the requirements under IC 4-21.5.

(c) If the board after a hearing determines that the activities that the person engaged in are subject to licensing under this chapter, the board may issue a cease and desist order that describes the person and activities that are the subject of the order.

(d) A cease and desist order issued under this section is enforceable in the circuit courts of Indiana.

(e) The attorney general, the board, or the prosecuting attorney of any county where a violation of section 21(b) of this chapter occurs may file an action in the name of the state for an injunction.

As added by P.L.214-1993, SEC.79. Amended by P.L.185-2007, SEC.26.